

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Karl Willis,

Case No. 3:08 CV 1831

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-vs-

JUDGE JACK ZOUHARY

Carl Anderson,

Defendant.

The Court has reviewed the Report and Recommendation (R&R) of Magistrate Judge Armstrong filed June 12, 2009 in this matter (Doc. No. 11). Under the relevant statute (28 U.S.C. § 636(b)(1)):

Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

In this case, the ten-day period has elapsed and no objections have been filed. The failure to file written objections constitutes a waiver of a de novo determination by the district court of an issue covered in the R&R. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

After reviewing the Petition for Writ of Habeas Corpus (Doc. No. 1), Defendant Carl Anderson's Motion to Dismiss Habeas Petition as Time-Barred (Doc. No. 7), and the Magistrate's R&R, the Court adopts the R&R in its entirety. The Petition is denied. Furthermore, this Court certifies that an appeal could not be taken in good faith pursuant to 28 U.S.C. § 2253(c), therefore a certificate of appealability shall not issue.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

July 2, 2009